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## FACSIMILE TRANSMITTAL SHEET

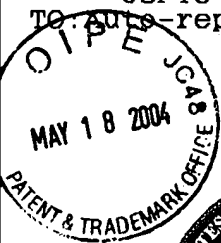
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TO:	FROM:
OFFICE OF PETITIONS	ROBERT J. YARBROUGH
COMPANY:	DATE:
U.S. PATENT AND TRADEMARK OFFICE	5/18/2004
FAX NUMBER:	TOTAL NO. OF PAGES INCLUDING COVER:
(703) 872-9306	
PHONE NUMBER:	SENDER'S REFERENCE NUMBER:
RE:	YOUR REFERENCE NUMBER:
PETITION TO REVIVE	

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### COMMENTS:

Original by express mail.



## Auto-Reply Facsimile Transmission

TO: Fax Sender at 610 891 0655

Fax Information

Date Received:

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12 (including cover page)

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Received  
Cover  
Page

=====>

May 18 04 02:07p

Robert J. Yarbrough, Atty. (610) 891-0655

p.1

### FACSIMILE TRANSMITTAL SHEET

TO: OFFICE OF PETITIONS	FROM: ROBERT J. YARBROUGH
COMPANY: U.S. PATENT AND TRADEMARK OFFICE	DATE: 5/18/2004
FAX NUMBER: (703) 872-9306	TOTAL NO. OF PAGES INCLUDING COVER:
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#### COMMENTS:

Original by express mail.

ROBERT J. YARBROUGH • ATTORNEY AT LAW  
281 NORTH JACKSON STREET • PHILADELPHIA • PENNSYLVANIA  
PHONE: (610) 891-0655 • FAX: (610) 891-0655



**ROBERT J. YARBROUGH • ATTORNEY AT LAW**  
201 NORTH JACKSON STREET • MEDIA • PENNSYLVANIA • 19063  
PHONE: (610) 891-0668 • FAX: (610) 891-0655  
EMAIL: ROBERT@YARBROUGH.LAW.COM

May 18, 2004

**VIA FACSIMILE and EXPRESS MAIL**

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Re: Express Mail No. ER306968348US  
Application No. 10/645,019  
Title: Dry Ice Drinking Vessel  
Inventors: Peter Nielsen  
Harold Zenitsky

Dear Sirs,

Enclosed in this Express Mail package are the following:

1. "Petition for Revival of an Application for Patent Abandoned Unavoidably Under 37 CFR 1.137(a)" with an attached Affidavit setting forth grounds for the petition.
2. "Fee transmittal form for FY 2004" for the petition fee, along with a check in the petition fee amount of \$55.00.
3. "Part B-Fee(s) Transmittal" along with a check in the amount of \$965.00 for the issue and publication fees for the above application.
3. Two powers of attorney appointing the undersigned as the attorney for the above named inventors. The power of attorney for Mr. Nielsen bears his original signature. The power of attorney for Mr. Zenitsky is a faxed copy. I will forward the signed original of the Zenitsky power of attorney as soon as I receive it from Mr. Zenitsky.
4. A self-addressed itemized postcard

Very Truly Yours,

  
Robert J. Yarbrough

Attachments



PTO/SB/17 (10-03)

Approved for use through 07/31/2006. OMB 0851-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 55.00

## Complete if Known

Application Number	10/645,019
Filing Date	August 21, 2003
First Named Inventor	NIELSEN, Peter
Examiner Name	Filip Zec
Art Unit	3744
Attorney Docket No.	Polar001

## METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☐ Deposit Account:

Deposit Account Number	
Deposit Account Name	

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Credit any overpayments

☐ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee	
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
SUBTOTAL (1) (\$)			

### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

	Extra Claims	Fee from below	Fee Paid
Total Claims	-20** =	X	
Independent Claims	-3** =	X	
Multiple Dependent			

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 86	2201 43	Independent claims in excess of 3
1203 290	2203 145	Multiple dependent claim, if not paid
1204 86	2204 43	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$)

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 420	2252 210	Extension for reply within second month	
1253 950	2253 475	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	
1403 290	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	55.00
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	Design issue fee	
1503 640	2503 320	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	
Other fee (specify)			
*Reduced by Basic Filing Fee Paid			
SUBTOTAL (3) (\$)			55.00

## SUBMITTED BY

Name (Print/Type)	Robert J. Yarbrough	Registration No. (Attorney/Agent)	42241	Telephone	(610) 891-0668
Signature		Date	5/18/2004		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



IFW DACEI

PTO/SB/61 (11-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

Docket Number (Optional)

First Named Inventor: **NIELSEN, Peter**

Art Unit: **3744**

Application Number: **10/645,019**

Examiner: **Filip Zec**

Filed: **8/21/2003**

Title: **Dry Ice Drinking Vessel**

Attention: Office of Petitions

**Mail Stop Petition**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

NOTE: If information or assistance is needed in completing this form, please contact  
Petitions Information at (703) 305-9382.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION.**

NOTE: A grantable petition requires the following items:

- (1) Petition fee.
- (2) Reply and/or issue fee.
- (3) Terminal disclaimer with disclaimer fee-required for all utility and plant applications filed before June 8, 1995, and for all design applications; and
- (4) Adequate showing of the cause of unavoidable delay.

**1. Petition fee**

☒ Small entity - fee \$ 55.00 (37 CFR 1.17(l)). Applicant claims small entity status.  
See 37 CFR 1.27.

☐ Other than small entity - fee \$ \_\_\_\_\_ (37 CFR 1.17(l)).

**2. Reply and/or fee**

A. The reply and/or fee to the above-noted Office action in the form of  
Issue/publication fee transmittal form (identify the type of reply):

☐ has been filed previously on \_\_\_\_\_

☒ is enclosed herewith.

B. The issue fee of \$ 965.00

☐ has been filed previously on \_\_\_\_\_

☒ is enclosed herewith.

05/20/2004 AWONIAF1 00000040 10645019

01 FC:2452

35.00 OP

[Page 1 of 3]

This collection of information is required by 37 CFR 1.137(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 8 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



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PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNAVOIDABLY UNDER 37 CFR 1.137(a)

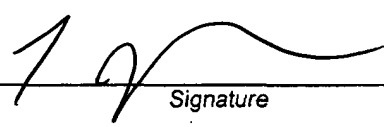
3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

5/18/2004  
Date

  
Signature

(610) 891-0668  
Telephone Number

Robert J. Yarbrough, Attorney at Law  
Typed or printed name

42241  
Registration Number, if applicable

201 N. Jackson St., Media, PA 19063  
Address


\_\_\_\_\_  
Address

- Enclosure ☒ Fee Payment
- ☒ Reply
- ☐ Terminal Disclaimer Form
- ☒ Additional sheets containing statements establishing unavoidable delay
- ☐ \_\_\_\_\_

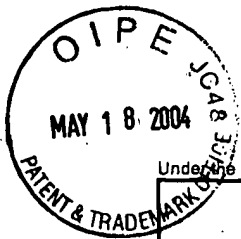
CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8(a))

- I hereby certify that this correspondence is being:
- ☒ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to **Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**
- ☒ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 872-9306.

5/18/2004  
Date

  
Signature

Robert J. Yarbrough  
Typed or printed name of person signing certificate



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

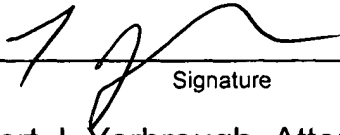
NOTE: The following showing of the cause of unavoidable delay must be signed by all applicants or by any other party who is presenting statements concerning the cause of delay.

5/18/2004

Date

42241

Registration Number, if applicable



Signature

Robert J. Yarbrough, Attorney at Law

Typed or printed name

(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply.)

See the attached Affidavit of Peter Nielsen.

(Please attach additional sheets if additional space is needed.)



Title:

**Dry Ice Drinking Vessel**

Application No.:

**10/645,019**

Inventors:

**NIELSEN, Peter**

**ZENITSKY, Harold**

### **AFFIDAVIT OF PETER NIELSON**

Comes the Affiant, Peter Nielsen of 7327 McKinley Ave., Kansas City, Missouri, 64158, and states as follows:

1. I am one of two inventors of the drinking vessel disclosed and claimed in the above utility patent application.
2. Harold Zenitsky and I operate a small business to produce, market and sell the drinking vessel of the invention. Mr. Zenitsky and I are the only persons who work in the business.
3. I personally enter the bills and obligations of the business on my calendar and pay those bills and meet the obligations as they come due.
4. This practice usually functions well and I pay the bills and meet the obligations of the business on time.
5. When I received the Notice of Allowance, my usual practice would have been to enter the due date of the issue and publication fees and pay those fees prior to the due date.
6. Due to travel demands to promote the business, I failed to enter the due date for the issue and publication fees in my calendar at the time that I received the Notice of Allowance.
7. Because the issue and publication fees were not scheduled on my calendar, I did not pay the fees by April 14, 2004, the date three months after the mailing date of the Notice of Allowance.
8. Upon discovering that I had not paid the fees on time, I contacted the Examiner, who suggested that a petition would be required. I then promptly retained counsel to advise me and to prepare the petition and this affidavit.

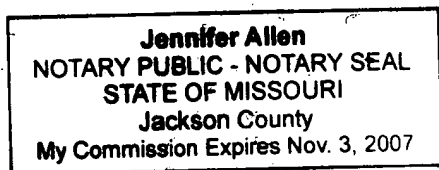


9. For the foregoing reasons, the failure to pay the issue fee and publication fee by April 14, 2004 was unavoidable.

I swear or affirm that the foregoing statements are true and correct to the best of my knowledge and belief.

  
Peter Nielsen

Subscribed and signed by Peter Nielsen before me this the 17 day of May, 2004.



  
Notary Public



PETER NIELSEN  
PH. 816-691-9666  
7327 N MC KINLEY AVE  
KANSAS CITY, MO 64158

18-18 9248  
1010  
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DATE 5-17-04

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PH. 816-691-9666  
7327 N MC KINLEY AVE  
KANSAS CITY, MO 64158

18-18 9248  
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145590051770  
DATE 5-17-04

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PTO/SB/81 (09-03)

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**POWER OF ATTORNEY  
and  
CORRESPONDENCE ADDRESS  
INDICATION FORM**

Application Number	10/645,019
Filing Date	August 21, 2003
First Named Inventor	Nielsen, Peter
Title	Dry Ice Drinking Vessel
Art Unit	3744
Examiner Name	Filip Zec
Attorney Docket Number	Polar001

I hereby appoint:

☒ Practitioners associated with the Customer Number:

38288

OR

☐ Practitioner(s) named below:

Name	Registration Number
Robert J. Yarbrough	<del>55048</del> 42,241

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith. I hereby revoke all prior powers of attorney.

Please recognize or change the correspondence address for the above-identified application to:

☒ The address associated with the above-mentioned Customer Number:

OR

☐ The address associated with Customer Number:

OR

☐ Firm or  
Individual Name

Address

Address

City

State

Zip

Country

Telephone

Fax

I am the:

☒ Applicant/Inventor.☐ Assignee of record of the entire interest. See 37 CFR 3.71.  
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)**SIGNATURE of Applicant or Assignee of Record**

Name	Peter Nielsen
Signature	<i>Peter Nielsen</i>
Date	May 2004
Telephone	(816) 550-4308

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below\*.

☒ \*Total of 2 forms are submitted.

This collection of information is required by 37 CFR 1.31 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



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PTO/SB/01 (09-03)  
Approved for use through 11/30/2005. OMB 0061-0002  
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

**POWER OF ATTORNEY  
and  
CORRESPONDENCE ADDRESS  
INDICATION FORM**

Application Number	10/645,019
Filing Date	August 21, 2003
First Named Inventor	Nielsen, Peter
Title	Dry Ice Drinking Vessel
Art Unit	3744
Examiner Name	Filip Zec
Attorney Bracket Number	Polar001

I hereby appoint

☒ Practitioner(s) associated with the Customer Number: **38288**  
OR  
☐ Practitioner(s) named below:

Name	Registration Number
Robert J. Yarbrough	55048 42,241

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith. I hereby revoke all prior powers of attorney.

Please recognize or change the correspondence address for the above-identified application to:

☒ The address associated with the above-mentioned Customer Number:  
OR  
☐ The address associated with Customer Number:

OR

<input type="checkbox"/> Firm or Individual Name			
Address			
Address			
City	State	Zip	
Country			
Telephone	Fax		

I am the:

☒ Applicant/Inventor.  
☐ Assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/04)

**SIGNATURE of Applicant or Assignee of Record**

Name	Harold Zenitsky
Signature	<i>Harold Zenitsky</i>
Date	May 17, 2004
Telephone	(818) 550-4308

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required. See below.

☒ Total of **2** forms are submitted.

The collection of information is required by 37 CFR 1.91 and 1.93. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is guaranteed by 38 U.S.C. 105 and 37 CFR 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the burden of time you require to complete this form and/or suggestions for reducing the burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1480, Alexandria, VA 22313-1480. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1480, Alexandria, VA 22313-1480.

If you need assistance in completing the form, call 1-800-PTO-0198 and select option 8.